

THE NATIONAL ARCHIVES  
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# FEDERAL REGISTER

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*Washington, Thursday, January 6, 1938*

**PRESIDENT OF THE UNITED STATES.**

[Corrected print.]

**RELATING TO NEWLY-MINED DOMESTIC SILVER**

**By the President of the United States of America**

**A PROCLAMATION**

WHEREAS, by Proclamation of the twenty-first day of December, 1933, as modified by Proclamations of the ninth day of August, 1934, and the tenth and twenty-fourth days of April, 1935, the United States coinage mints are directed to receive for coinage and addition to the monetary stocks of the United States silver mined subsequent to December 21, 1933, from natural deposits in the United States or any place subject to the jurisdiction thereof; and

WHEREAS, such Proclamation as so modified states in part that:

"This proclamation shall remain in force and effect until the thirty-first day of December, 1937, unless repealed or modified by Act of Congress or by subsequent proclamation." and that

"Notice is hereby given that I reserve the right by virtue of the authority vested in me to revoke or modify this proclamation as the interest of the United States may seem to require."

NOW, THEREFORE, finding that the interests of the United States require further modification of said Proclamation of the twenty-first day of December, 1933, as so modified; by virtue of the power in me vested by the Act of Congress cited in said Proclamation, and other legislation designated for national recovery, and by virtue of all other authority in me vested;

I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby further modify the said Proclamation of the twenty-first day of December, 1933, so that the same shall remain in force and effect until the 31st day of December, 1938, and so that the amount of deduction for seigniorage, brassage, coinage and other mint charges from the monetary value of silver delivered thereunder which has been mined on or after January 1, 1938, shall be 50% of such monetary value; and I do proclaim and direct that, with respect to all silver received by a United States coinage mint under the provisions of the said Proclamation of the twenty-first day of December, 1933, which such mint, subject to regulations prescribed hereunder by the Secretary of the Treasury, is satisfied has been mined on or after January 1, 1938, from natural deposits in the United States or any place subject to the jurisdiction thereof, the deduction for seigniorage and services performed by the Government shall be 50% and there shall be returned therefor, in standard silver dollars, silver certificates, or any other coin or currency of the United States, the monetary value of the silver so received (that is, \$1.2929+, per fine ounce), less such deduction of 50%, and that the said Proclamation of the twenty-first day of December, 1933, as heretofore and

hereby modified shall remain in force and effect until the 31st day of December, 1938 unless repealed or further modified by Act of Congress or by subsequent Proclamation.

Notice is hereby given that I reserve the right by virtue of the authority vested in me to revoke or modify this Proclamation as the interests of the United States may seem to require.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 30th day of December, in the year of our Lord nineteen hundred and thirty-  
[SEAL] seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

*Secretary of State.*

[No. 2268]

[F. R. Doc. 38-14; Filed, December 31, 1937; 6:07 p. m.]

## TREASURY DEPARTMENT.

### Public Health Service.

#### AMENDMENT TO THE REGULATIONS FOR THE GOVERNMENT OF THE UNITED STATES PUBLIC HEALTH SERVICE, 1931

##### To Commissioner Officers and all others Concerned:

Pursuant to the authority contained in the Act of August 4, 1894, as amended by section 2 of the Act of July 30, 1937 (Public, No. 234, 75th Congress), paragraphs 603 (2) and 632 to 638, inclusive, of the Regulations for the Government of the United States Public Health Service, approved June 18, 1931, as amended, are hereby amended so as to read as follows:

603. \* \* \* 2. Officers, cadets, and enlisted men of the United States Coast Guard, active and retired, including those on shore duty and those on detached duty, and dependent members of families of officers and enlisted men.

632. Officers, cadets, and enlisted men of the United States Coast Guard on active duty, including those on shore duty and those on detached duty, shall receive hospital or out-patient relief at all relief stations of the Public Health Service without regard to length of service, on certificate of officers of the United States Coast Guard, identifying the applicant. Commissioned officers and officers in charge of units may sign their own certificates.

633. Retired officers and retired enlisted men of the United States Coast Guard shall, upon presentation of evidence establishing their status, be furnished with hospital care at any United States marine hospital, and with out-patient relief at any first, second, or third class station and dental relief at any station where there is a full-time dental officer on duty. When hospital care is required, the patient shall



# FEDERAL REGISTER

THE NATIONAL ARCHIVES  
OF THE UNITED STATES  
1934

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## TABLE OF CONTENTS

Department of Agriculture:	
Bureau of Animal Industry:	
Notices under Act to regulate interstate and foreign commerce in livestock, etc.:	
Jones-Neuhoff Commission Co., Macon, Ga. ....	34
Ontario Livestock Commission Co. (Ross Smeed and Walter Shimp), Ontario, Oreg. ....	34
Department of the Interior:	
National Bituminous Coal Commission:	
Hearing, coals subject to provisions of Bituminous Coal Act of 1937, etc.:	
Virginia .....	33
Hearings, nature and extent of intrastate commerce in bituminous coal, etc., in:	
Montana .....	33
Washington .....	32
Utah .....	32
Wyoming .....	31
Reports from code members filing contracts appointing sales agents with Statistical Bureaus 1-13; from persons applying for registration as wholesalers, etc. ....	31
Federal Home Loan Bank Board:	
Home Owners' Loan Corporation:	
Bond retirement fund .....	34
President of the United States:	
Proclamation:	
Domestic silver, newly-mined (corrected print) ..	29
Rural Electrification Administration:	
Allocation of funds for loans .....	35
Treasury Department:	
Public Health Service:	
Amendment to regulations for the government of .....	29
Veterans' Administration:	
Revision of regulations:	
Yearly renewable term insurance, disabilities deemed to be total and permanent .....	35

present himself at a marine hospital for admission; the expense of transfer from second and third class stations shall not be a charge against appropriations of the Public Health Service.

634. In emergency, at places where there is no Public Health Service relief station, officers of the United States Coast Guard may procure either hospital or out-patient relief for officers, cadets, and enlisted men of the Coast Guard on active duty, including those on shore duty and those on detached duty, requiring it, and shall immediately report to the Surgeon General of the Public Health Service, through Coast Guard headquarters, forwarding as a part of the report the certificate of the attending physician as to the necessity for immediate treatment and the probable duration of the treatment required. Vouchers on proper forms duly certified by the said officer and signed by the person rendering the bill shall be forwarded to the Surgeon General through Coast Guard headquarters.

634a. At ports where there is a relief station of the Public Health Service, when officers, cadets, and enlisted men of the United States Coast Guard on active duty, including those on shore duty and those on detached duty, on account of injury or illness, require the immediate attention of a physician, and on account of the exigency of the case it is impossible to convey the patient to the relief station, temporary provision for medical attendance or care may be made by an officer of the United States Coast Guard, who will immediately report his action to the Public Health Service relief station at the port, and the treatment thereafter will be conducted by the Public Health Service, if in the judgment of the proper officer of the Public Health Service it may be done without detriment to the patient. Vouchers for such emergency treatment will be forwarded to the Surgeon General through said officer for approval and payment. Unreasonable charges for emergency relief will not be allowed.

635. Officers, cadets, and enlisted men of the United States Coast Guard on active duty, including those on shore duty and those on detached duty, shall be admitted to hospital only in cases where the gravity of the disease or injury from which they suffer is such as to require hospital treatment, in the opinion of an officer of the Public Health Service, or of a reputable physician designated by the department to act at a place where no regular relief station has been established, or of a physician temporarily employed as provided in paragraphs 634 and 634a.

636. Officers, cadets, and enlisted men of the United States Coast Guard, including those on shore duty and those on detached duty, while on authorized leave or sick leave may receive medical and surgical relief only at regularly established relief stations of the Public Health Service.

637. Officers and cadets who receive subsistence allowance as part of their compensation shall, while receiving hospital treatment, reimburse the Government in the amount of one subsistence allowance as fixed by law.

638. Upon written application, in approved form, by officers and enlisted men of the United States Coast Guard, active or retired, the dependent members of families of such officers and enlisted men shall be furnished medical advice and out-patient treatment at first, second, and third class relief stations of the Public Health Service, and hospitalization at marine hospitals, if suitable accommodations, as determined by the medical officers in charge, are available therein, at a per-diem cost to the officer or enlisted man concerned equivalent to the uniform per-diem reimbursement rate for Government hospitals as approved by the President for each fiscal year.

The term "dependent members of families" shall include only those relatives who are wholly dependent upon the officer or enlisted man for support and shall not include persons employed by him.

The relationship of dependents, such as wife, son, daughter, etc., including full name, shall be stated in the application, and dependents shall be identified to the relief officer by certification of the applicant's commanding officer. De-



pendents of retired personnel will be identified by means of a certificate furnished by Coast Guard headquarters at time of retirement. Retired personnel will produce this certificate when seeking relief for dependents and execute necessary application for treatment at the station on blank forms provided for the purpose. At any second or third class relief station, except in cases of emergency, medical advice and out-patient treatment will be furnished dependent members of families only during the regular office hours of the relief station.

[SEAL]

W. F. DRAPER,  
Acting Surgeon General.

Approved December 9, 1937.

STEPHEN B. GIBBONS,

Acting Secretary of the Treasury.

Approved December 27, 1937.

FRANKLIN D. ROOSEVELT

The White House.

[F. R. Doc. 38-39; Filed, January 4, 1938; 4:21 p. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 170]

AN ORDER REQUIRING REPORTS FROM CODE MEMBERS WHO HAVE FILED, OR UNTIL JANUARY 31, 1938 HEREAFTER FILE, CONTRACTS APPOINTING SALES AGENTS WITH THE COMMISSION'S STATISTICAL BUREAUS 1 TO 13 INCLUSIVE, AND FROM PERSONS WHO HAVE APPLIED, OR UNTIL JANUARY 31, 1938 HEREAFTER APPLY, TO THE COMMISSION FOR REGISTRATION AS REGISTERED WHOLESALERS OR REGISTERED FARMERS' CO-OPERATIVE ORGANIZATIONS PURSUANT TO THE MARKETING RULES AND REGULATIONS OF THE COMMISSION FOR DISTRICTS 1 TO 13 INCLUSIVE

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission orders and directs as follows:

1. That all code members who have filed, or until January 31, 1938 hereafter file, contracts appointing sales agents with the Commission's Statistical Bureaus 1 to 13 inclusive, pursuant to the Marketing Rules and Regulations of the Commission,<sup>1</sup> shall file in duplicate a report showing all coal sold and shipped by such sales agents for code members within Districts 1 to 13 inclusive during the period December 16, 1937, through December 31, 1937, all as more fully set forth and specified in Commission's N. B. C. C. Form No. 238-ST.

2. That all persons who have filed, or until January 31, 1938 hereafter file, with the Commission application for registration as Registered Wholesalers of bituminous coal or as Registered Farmers' Cooperative Organizations pursuant to the Marketing Rules and Regulations of the Commission for Districts 1 to 13, inclusive, shall file, in duplicate, with the Commission, a report showing all coal purchased from code members within Districts 1 to 13, inclusive, for resale in not less than carload or cargo lots and resold by them in not less than carload or cargo lots during the period December 16, 1937, through December 31, 1937, all as more fully set forth and specified in Commission's N. B. C. C. Form No. 239-ST.

3. That each code member who has filed, or until January 31, 1938 hereafter files, an agency contract with the proper statistical bureau and each person who has applied, or until January 31, 1938 hereafter applies, to the Commission for registration as a Registered Wholesaler or as a Registered Farmers' Cooperative Organization shall, within ten (10) days from the receipt of this Order, mail postage

prepaid, the required report, duly verified, to the Commission at the following address:

National Bituminous Coal Commission  
Attention: Statistical Division  
Washington, D. C.

4. That the Secretary of the Commission shall forthwith cause to be mailed a copy of this Order together with the necessary forms to each code member in Districts 1 to 13, inclusive, who has filed, or until January 31, 1938 hereafter files an agency contract with the proper statistical bureau and to each person who has applied, or until January 31, 1938 hereafter applies, to the Commission for registration as a Registered Wholesaler or as a Registered Farmers' Cooperative Organization pursuant to the Marketing Rules and Regulations of the Commission for Districts 1 to 13, inclusive, and shall cause additional copies of the same to be made available at the office of the statistical division of the Commission in Washington, D. C.

By order of the Commission.

Dated this 4th day of January, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-41; Filed, January 5, 1938; 11:43 a. m.]

[Order No. 171]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF WYOMING AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT CHEYENNE, WYOMING, ON JANUARY 21, 1938, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Wyoming directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Wyoming on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Wyoming would be desirable, and upon investigation hereby orders:

1. That on January 21, 1938, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Plains Hotel, Cheyenne, Wyoming, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Wyoming, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Wyoming in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not

<sup>1</sup> 2 F. R. 2979 (DI).



subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Cheyenne, Wyoming, on January 21, 1938, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Wyoming, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Wyoming in which bituminous coal is produced.

By order of the Commission.

Dated this 4th day of January, 1938.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 38-42; Filed, January 5, 1938; 11:43 a. m.]

[Order No. 172]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF UTAH AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT SALT LAKE CITY, UTAH, ON JANUARY 31, 1938, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Utah directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Utah on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Utah would be desirable, and upon investigation hereby orders:

1. That on January 31, 1938, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Hotel Utah, Salt Lake City, Utah, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Utah, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Utah in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity

to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Salt Lake City, Utah, on January 31, 1938, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Utah, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Utah in which bituminous coal is produced.

By order of the Commission.

Dated this 4th day of January, 1938.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 38-43; Filed, January 5, 1938; 11:43 a. m.]

[Order No. 173]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF WASHINGTON AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT SEATTLE, WASHINGTON, ON FEBRUARY 8, 1938, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Washington directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Washington on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Washington would be desirable, and upon investigation hereby orders:

1. That on February 8, 1938, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Olympic Hotel, Seattle, Washington, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Washington, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Washington in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.



5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Seattle, Washington, on February 8, 1938, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Washington, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Washington in which bituminous coal is produced.

By order of the Commission.

Dated this 4th day of January, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-44; Filed, January 5, 1938; 11:43 a. m.]

[Order No. 174]

AN ORDER PROVIDING FOR A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE TO ENABLE THE COMMISSION TO DETERMINE WHETHER CERTAIN COALS IN THE STATE OF VIRGINIA ARE SUBJECT TO THE PROVISIONS OF THE BITUMINOUS COAL ACT OF 1937, AND FOR THE FURTHER PURPOSE OF HEARING APPLICATIONS FOR EXEMPTION AS PROVIDED FOR BY ORDER NO. 28

Whereas the Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, provides (Section 17 (b)) that "The term 'bituminous coal' includes all bituminous, semi-bituminous, and subbituminous coal and shall exclude lignite, which is defined as a lignitic coal having calorific value in British thermal units of less than seven thousand six hundred per pound and having a natural moisture content in place in the mine of 30 per centum or more"; and

Whereas the Commission deems it necessary to conduct a public hearing in the State of Virginia for the purpose of receiving evidence to enable the Commission to determine whether certain coals in the State of Virginia are subject to the provisions of the Bituminous Coal Act of 1937, and, further, to hear and determine at the same time all Virginia applications for exemption filed in accordance with or pursuant to Order No. 28;

Now, therefore, in order to determine whether the coal in said state or any part thereof does not come within the definition of "bituminous coal" as set forth in Section 17 (b) of the Act, and in order to hear applications filed in accordance with or pursuant to Order No. 28 of the Commission, the Commission hereby orders and directs:

1. That a public hearing shall be held at the Hearing Room of the Commission in the City of Washington, D. C., on the 17th day of January, 1938, commencing at the hour of ten (10) o'clock A. M., for the purpose of receiving evidence to enable the Commission to determine whether any part of the coal produced in the State of Virginia does not come within the purview of Section 17 (b) of the Act.

2. That the public hearing so provided by this order, at the time and place designated, shall include the hearing of the application for exemption filed by the Anthracite Coal and Briquetting Co., Inc., Pulaski, Virginia, in accordance with or pursuant to the Commission's Order No. 28, and, in addition, any other applications for exemption filed for the State of Virginia in accordance with or pursuant to Order No. 28.

3. That any producer of coal, whether bituminous, semi-bituminous, subbituminous, anthracite, or lignite, or the Consumers' Counsel, or code members, and all other interested parties may appear at said hearing and submit evidence.

4. Notice of said hearing shall be given under the direction of the Secretary of the Commission by mailing a copy of

this order to the Consumers' Counsel, to the Commissioner of Internal Revenue, to the Secretaries of District Boards No. 7 and No. 8, to the Anthracite Coal and Briquetting Co., Inc. and to all known producers of coal in Virginia, anthracite or otherwise, and by publication of a notice upon two consecutive days in two newspapers of general circulation in the State of Virginia. The notice published in said newspapers shall contain the date and place of the hearing and a concise statement of the purpose thereof.

By order of the Commission.

Dated this 4th day of January, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-45; Filed, January 5, 1938; 11:44 a. m.]

[Order No. 175]

AN ORDER PROVIDING FOR A HEARING TO DETERMINE THE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN THE STATE OF MONTANA AND THE EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT BILLINGS, MONTANA, ON FEBRUARY 17, 1938, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Montana directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Montana on the one hand and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Montana would be desirable, and upon investigation hereby orders:

1. That on February 17, 1938, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Northern Hotel, Billings, Montana, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Montana, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Montana in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing noticed to be held in Billings, Montana, on February 17, 1938, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each

<sup>1</sup> 2 F. R. 1581 (DI).



known producer of bituminous coal in the State of Montana, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Montana in which bituminous coal is produced.

By order of the Commission.

Dated this 4th day of January, 1938.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary*.

[F. R. Doc. 38-46; Filed, January 5, 1938; 11:44 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Bureau of Animal Industry.

#### NOTICE

JANUARY 4, 1938.

TO JONES-NEUHOFF COMMISSION COMPANY,  
Macon, Ga.

Whereas Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Jones-Neuhoff Commission Company, at Macon, State of Georgia, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

HARRY L. BROWN,  
*Acting Secretary of Agriculture.*

[F. R. Doc. 38-47; Filed, January 5, 1938; 12:39 p. m.]

#### NOTICE

JANUARY 4, 1938.

TO ROSS SMEED and WALTER SHIMP,  
*Doing business as Ontario Livestock Commission Company, Ontario, Oreg.*

Whereas Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in

said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Ontario Livestock Commission Company, at Ontario, State of Oregon, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

HARRY L. BROWN,  
*Acting Secretary of Agriculture.*

[F. R. Doc. 38-48; Filed, January 5, 1938; 12:39 p. m.]

## FEDERAL HOME LOAN BANK BOARD.

### Home Owners' Loan Corporation.

#### BOND RETIREMENT FUND

Whereas Section 4 (k) of the Home Owners' Loan Act of 1933, as amended May 28, 1935, provides:

\* \* \* All payments upon principal of loans made by the Corporation shall under regulations made by the Corporation be applied to the retirement of the bonds of the Corporation \* \* \* ; and

Whereas it is desired to formulate revised regulations (in pursuance of enabling legislation hereinabove referred to) in lieu of and superseding regulations heretofore approved; Therefore

Be it resolved, That, pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4 (a) and 4 (k) of said Act as amended, for the purpose of this resolution, "principal of loans made by the Corporation" shall be defined to mean:

(a) The principal balance of borrowers', vendees' and transferees' obligations, including all advances charged thereto, and, in cases of reamortization when unpaid accrued interest or other charges are merged with principal, the amount of such unpaid accrued interest or other charges so merged;

(b) The capitalized ledger values of properties, whether owned or in process of acquiring title;

(c) The amount invested by the Corporation in the stock of the Federal Savings and Loan Insurance Corporation, or in securities pursuant to authorization in Section 4 (n) of the Home Owners' Loan Act of 1933, as amended; and

Be it further resolved, That exclusive of interest and dividends on (a) and (c) all cash and bonds applied to principal in the Corporation's accounts shall be available for



clearance and deposit to the Bond Retirement Fund heretofore established; and

*Be it further resolved*, That, where property is redeemed subsequent to foreclosure or is purchased by a third party at foreclosure sale, or where the Corporation sells any of its mortgages or other securities, for amounts less than the total amount due the Corporation (including any unpaid accrued interest), irrespective of whether payment is all cash or part cash and extended terms, the amount of the insufficiency, to the extent of the unpaid accrued interest, shall be treated as a reduction of interest earned, and proper adjustment therefor shall be made before the collection is applied on the books of the Corporation; and

*Be it further resolved*, That "all payments upon principal \* \* \* be applied to the retirement of the bonds of the Corporation" shall be construed to mean that the cash in the Bond Retirement Fund shall be available to meet maturing principal on outstanding bonds; and further, to make open market purchases of the Corporation's bonds for the Bond Retirement Fund (excluding accrued interest thereon) at net price of par or less than par for cancellation and retirement; discounts realized from cancellation and retirement of the Corporation's bonds purchased at less than par to be credited on the books of the Corporation to an account entitled "Profit from the Operation of the Bond Retirement Fund"; and

*Be it further resolved*, That the Comptroller is hereby authorized and directed to establish the necessary accounting procedure to control the amounts to be deposited in the Bond Retirement Fund in accordance with the provisions of this resolution, and to issue proper and necessary authorizations or vouchers on or before the twentieth day of each calendar month, showing the amount to be deposited in the Bond Retirement Fund from the accounts for the preceding month; and

*Be it further resolved*, That the amounts to be made available for the retirement of bonds of the Corporation shall be as is herein provided, and that all resolutions heretofore adopted on the subject are superseded.

*Be it further resolved*, That all resolutions and regulations heretofore adopted and prescribed which conflict with this resolution are hereby repealed and superseded.

Adopted by the Board of Directors of Home Owners' Loan Corporation on December 21, 1937.

[SEAL]

R. L. NAGLE, *Secretary*.

[F. R. Doc. 38-37; Filed, January 4, 1938; 2:04 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 179]

### ALLOCATION OF FUNDS FOR LOANS

JANUARY 3, 1938.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 8017 Burke.....	\$2,000
Georgia 8070W Mitchell.....	10,000
Iowa 8041W Hancock.....	10,000
Minnesota 8055 Watonwan.....	4,000
Minnesota 8065B Dakota.....	20,000
New Jersey 8004W Monmouth.....	25,000
Virginia 8022C Caroline.....	12,000
Wisconsin 8019B Chippewa.....	3,500
Wisconsin 8019W Chippewa.....	5,000
Wisconsin 8032W Pierce.....	15,000

JOHN M. CARMODY, *Administrator*.

[F. R. Doc. 38-40; Filed, January 5, 1938; 10:07 a. m.]

## VETERANS' ADMINISTRATION.

### REVISION OF REGULATIONS

#### YEARLY RENEWABLE TERM INSURANCE

##### *Disabilities Deemed To Be Total and Permanent*

R-3140. Without prejudice to any other cause of disability, the permanent loss of the use of both feet, of both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye, or the loss of hearing of both ears, or the organic loss of speech, shall be deemed to be total and permanent disability under yearly renewable term insurance and automatic insurance. Monthly instalments of insurance for any of these specifically enumerated causes of total and permanent disability shall accrue from the date of such total and permanent disability, and any premiums paid after the date of such total and permanent disability shall be refunded without interest. (August 16, 1937.) (Public, No. 304, 75th Congress.)

[SEAL]

FRANK T. HINES,  
*Administrator of Veterans' Affairs.*

[F. R. Doc. 38-38; Filed, January 4, 1938; 3:21 p. m.]

